

**04-1131    WHITMAN V. U.S. DEPT. OF TRANSPORTATION, ET AL.**

DECISION BELOW: 382 F.3d 938 (9th Cir. 2004)

QUESTIONS PRESENTED

1.    Whether 5 U.S.C. 7121(a)'s provision that the negotiated grievance procedures of a federal collective bargaining agreement be "the exclusive *administrative* procedures" to resolve grievances precludes an employee from seeking direct *judicial* redress when he would otherwise have an independent basis for judicial review of his claims.
2.    Whether the Civil Service Reform Act, 5 U.S.C. 7101 *et seq.*, precludes federal courts from granting equitable relief for constitutional claims brought by federal employees against their employer.

Cert. Granted 6/27/05